

14.05.2024
court no. 28
serial no. 124
kaushik

WPA 27937 of 2023

Kshudiram Sahoo & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Debnarayan Patra
... .. for the petitioners

Mr. K. Jaweed Yusuf, learned AGP
Ms. Rupsha Chakraborty
... .. for the State

It is the case of the petitioner that instrument of sale being no. 6156 of the year 1990 was executed and the said instrument was presented for registration in favour of the petitioner before the office of respondent no. 4 (Additional District Sub-Registrar, Contai-I, District Purba Medinipur). The said document was never released in favour of the petitioner. In 2023, during the mutation process qua the said land, it came to the knowledge of the petitioner that the said document was prepared on a forged stamp paper and hence Government of West Bengal started criminal case against the accused persons and the same is pending before the Court of Sub-Divisional Judicial Magistrate, Contai, Purba Medinipur for adjudication. Further the registering authority was directed by the Inspector General of Registration and Commissioner of Stamps and Revenue, West Bengal as well as by the District Registrar, Midnapore not to deliver the forged stamp paper and not to issue any certified copy of such document until full realization of the stamp duty and the disposal of the criminal cases pending in the

criminal Courts. In these circumstances, the petitioner filed the present writ petition seeking the original/certified copy of the said instrument.

Learned counsel for the petitioner submits that he is ready and willing to submit the equal value of the stamp duty which is found to be forged.

Under these circumstances, this Court disposes of the present writ petition directing that on depositing the amount equal to the aggregate value of the stamp paper used for the purpose of registration with the registering authority and upon proper application being made for obtaining certified copy and on payment of proper fees for the same, the registering authority concerned shall supply the certified copy of the document to the writ petitioner. Supply of certified copy shall be made within a period of fortnight from the date of making the deposit. If no deposit is made within four weeks from the date of receipt of the certified copy of this order, then the issue will be closed chapter and the prayer of the petitioner shall be deemed to be abandoned.

The aforesaid amount shall be kept deposited till the investigation is complete and the trial is over, ideally is term deposit, if possible. If it is found in the trial that the stamp papers in question are fraud, then the amount so deposited with the registering authority shall be handed over to the appropriate authority viz a viz the State Government. In the event the stamp papers are genuine, obviously the amount deposited shall be returned to the petitioner.

With this direction, the present writ petition is disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Gaurang Kanth, J.)